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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,994	09/17/2003	Douglas S. Hardesty	112874.00088	1707
21324	7590	05/19/2005		EXAMINER
				PHAN, HAU VAN
			ART UNIT	PAPER NUMBER
				3618

DATE MAILED: 05/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/664,994	HARDESTY, DOUGLAS S.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hau V Phan	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 04 May 2005.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-14 is/are pending in the application.  
 4a) Of the above claim(s) 7 and 8 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-6 and 9-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
     Paper No(s)/Mail Date 34/2004.
- 4) Interview Summary (PTO-413)  
     Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of group III, figure 7, claims 1-6 and 9-14 in the reply filed on 5/5/2005 is acknowledged.
2. Claims 7-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/5/2005.

### *Information Disclosure Statement*

3. The information disclosure statement (IDS) submitted on 3/3/2004 has been considered.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-6 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rehrig (4,824,129).**

Rehrig in figures 1-7, discloses a dolly comprising a generally rectangular plastic frame having a top surface and a bottom surface. The frame has a pair of longitudinal

side members (12, 14) and a pair of transverse side members (16, 18) intersecting to form corners of the frame and constituting a generally rectangular shape. Rehrig also discloses a plurality of casters (28), each positioned at one of the corners of the frame. Rehrig also discloses a plurality of caster fasteners (24) attaching the plurality of casters to the bottom surface of the frame at the corners. Rehrig also discloses at least one riser block (30) removably attached on the top surface of the frame on at least one of the transverse side members. Rehrig further discloses a plurality of bolts receiving to receive a plurality of riser block fasteners (not shown) separate from the plurality of caster fasteners, wherein the plurality of riser block fasteners attach the at least one riser block to the top surface of the frame.

Regarding claims 2 and 10, Rehrig discloses at least one riser block retainer (37). The at least one riser block retainer being positioned on the top surface of the plastic frame along at least one of the transverse side members and the at least one riser block retainer having a cavity in which the at least one riser block fits, holding the at least one riser block in place.

Regarding claims 3 and 11, Rehrig discloses the at least one riser block retainer, which is monolithic with the top surface of the plastic frame.

Regarding claims 4 and 12, Rehrig discloses the at least one riser block, which is made of an elastomeric material.

Regarding claims 5 and 13, Rehrig discloses the plurality of riser block fasteners, which are threaded fasteners.

Regarding claim 6, Rehrig discloses the transverse side members having a length less than the length of the longitudinal side members.

Regarding claim 14, Rehrig discloses a generally rectangular plastic frame having a top surface and a bottom surface. The frame has a pair of longitudinal side members (16, 18) and a pair of transverse side members (12, 14) intersecting to form corners of the frame and constituting a generally rectangular shape. Rehrig also discloses a plurality of casters (28) attached to the frame, elastomeric riser blocks (30) removably attached to the top surface of the frame and a plurality of connectors (24) attaching the plurality of casters. Rehrig discloses a plurality of bolt receiving apertures to receive a plurality of connectors (not shown) for attaching the riser blocks to the frame. Rehrig also discloses a first portion of the plurality of connectors attaching only the casters to the frame. Rehrig discloses riser block, which being bolted to the frame. The second portion of the plurality of connectors being separate and distinct from the first portion of the plurality of connectors. Rehrig also discloses riser block retainers(37). The riser block retainers being monolithic with the top surface of the frame, each riser block retainer having a cavity in which one riser block fits, holding the one riser block in place.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kean discloses a mover's dolly, Halteman discloses a package tying and conveying truck.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 571-272-6696. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christ Ellis can be reached on 571-272-6914. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hau V Phan  
Primary Examiner  
Art Unit 3618

*Hau Phan*  
5/8/05